

IN THE COURT OF MILITARY
COMMISSION REVIEW

)	
)	APPELLANT MOTION TO
)	ATTACH DOCUMENTS
)	
)	Case No. 00000001
v.)	
)	Tried at Guantanamo Bay, Cuba on
)	4 June 2007
OMAR AHMED KHADR)	
a/k/a “Akhbar Farhad”)	Before a Military Commission
a/k/a “Akhbar Farnad”)	Convened by MCCO # 07-02
a/k/a “Ahmed Muhammed Khali”)	
)	Presiding Military Judge
)	Colonel Peter E. Brownback III

Relief Sought

On 4 July 2007 the Appellant filed its appeal of the Trial Court's Order of 4 June 2007 and the Decision on the Government's Motion for Reconsideration of 29 June 2007. Attached to this appeal was the Record of Trial of the 4 June 2007 hearing before the Trial Court.

Appellate Exhibit 11 of the Record of Trial is a section of the unclassified summary of the Combatant Status Review Tribunal (CSRT) decision in the underlying case. This document specifically references Exhibits R-1 and R-2, which provide an unclassified summary of the evidence used at the CSRT hearing. AE 11, p. 7. Even though Exhibits R-1 and R-2 are a part of the unclassified CSRT, these documents were not included in the Trial Court's record.

The Appellant now moves to include Exhibits R-1 and R-2 to the record in this case. These documents will prove useful to the court in making its findings. Exhibit R-1, in particular, an unclassified summary of the evidence used at the CSRT hearing, can only aid this Court in making a full, fair, and expeditious consideration of the issues in this case.

Relief Requested

Accordingly, the Appellant respectfully requests that this Court attach Exhibits R-1 and R-2 of the CSRT to the record of trial.

//original signed//
Jeffrey D. Groharing
Major, U.S. Marine Corps
Prosecutor

//original signed//
Keith A. Petty
Captain, U.S. Army
Assistant Prosecutor

//original signed//
Clayton Trivett, Jr.
Lieutenant, U.S. Navy
Assistant Prosecutor

PANEL No. _____
GRANTED (Signature) _____
DENIED (Signature) _____
DATE _____

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was emailed to Lieutenant Commander Kuebler on the 21st day of July 2007.

//original signed//
Jeffrey D. Groharing
Prosecutor
Office of Military Commissions
[email address & phone number redacted]

Unclassified

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (31 August 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal, KHADR, OMAR AHMED

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of al Qaida and participated in military operations against U.S. forces.

a. The detainee is an al Qaida fighter:

1. The detainee admitted he threw a grenade which killed a U.S. soldier during the battle in which the detainee was captured.

2. The detainee attended an al Qaida training camp in the Kabul, Afghanistan area where he received training in small arms, AK-47, Soviet made PK guns, RPGs.

3. The detainee admitted to working as a translator for al Qaida to coordinate land mine missions. The detainee acknowledged that these land mine missions are acts of terrorism and by participating in them would make him a terrorist.

b. The detainee participated in military operations against U.S. forces.

1. Circa June 2002, the detainee conducted a surveillance mission where he went to an airport near Khost to collect information on U.S. convoy movements.

2. On July 20, 2002 detainee planted 10 mines against U.S. forces in the mountain region between Khost and Ghardez. This region is a choke point where U.S. convoys would travel.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Unclassified



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

Date: 09/03/2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN: 766

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked¹. The FBI makes this request on the basis that said information relates to the national security of the United States². Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

FD-302 dated 11/25/02
" " 12/06/02
FBI Memo dated 09/03/04
By 9/3/04

¹Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

²See Executive Order 12958